

<sup>1</sup> Anthony Miller was ordered to pay \$139,262 and Catherine Miller was ordered to pay \$92,495, jointly and severally with Anthony Miller.

The court of appeals affirmed the judgments.<sup>2</sup> The defendants have now moved the court to enter an order allowing them to use the net proceeds from their recent sale of certain real estate instead of paying restitution.<sup>3</sup> The defendants propose to use the proceeds to pay other debts. The payment towards these other debts, they contend, might better allow them to pay the restitution obligation once they are released from prison. They have yet to pay any of the restitution.

Even assuming that I have the authority at this point to interfere with the government's efforts to collect restitution, I would not do so in this case. While I understand the defendants' desire to pay their other debts and to possibly save their home from foreclosure, I would not require the government to forego present payment towards this large restitution obligation, since future payments are far from certain.

For these reasons, it is **ORDERED** that the defendants' Motion (EFC No. 133) is DENIED.

ENTER: November 11, 2010

/s/ JAMES P. JONES

United States District Judge

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<sup>2</sup> *United States v. Miller*, Nos. 09-4461, 09-4462, 2010 WL 3452771 (4th Cir. Sept. 2, 2010).

<sup>3</sup> According to the parties, the net proceeds from this sale are approximately \$34,000.